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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PLANT PATENT APPLICATION TRANSMITTAL LETTER

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:  
Transmitted herewith for filing is the Plant Patent  
Application (in duplicate)

of L. PERNILLE OLESEN AND MOGENS N. OLESEN  
for 'POULmist'

Enclosed are:

- [X] Two sheets of formal drawings.
- [X] The declaration of the inventors.
- [X] Assignment of the variety to Poulsen Roser ApS.

The fee has been calculated as follows:

Basic Application Fee	\$ 480.00
Assignment Recording Fee of \$40.00	= \$ <u>40.00</u>
<b>TOTAL FEE</b>	<b>= \$ 520.00</b>

- [X] A check in the amount of \$ 520.00 is attached.
- [X] Return Receipt Postcard Addressed to Poulsen Roser Pacific, Inc.

Very respectfully,



L. Pernille Olesen  
Vice President



Mogens N. Olesen  
President

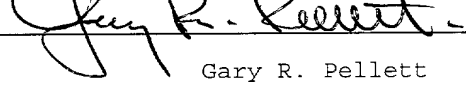
Poulsen Roser ApS  
Hillerødvej 49  
DK-3480 Fredensborg  
Denmark  
Tele: 45-48-48-30-28  
Fax: 45-48-48-55-78

**(send correspondence here)**  
Poulsen Roser Pacific, Inc.  
2550 Old Military Road  
Central Point, Oregon 97502  
Tele: 1-541-773-5009  
Fax: 1-541-773-5080

Express Mail Label # EL63937272405

;Date of Deposit 1 September 2000

I hereby certify that this paper or fee is being deposited with the United States Postal Service using "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to "Assistant Commissioner for Patents, Washington, DC 20231."

Signed:   
Gary R. Pellett

UNITED STATES PLANT PATENT APPLICATION

of

L. PERNILLE AND MOGENS N. OLESEN

for

MINIATURE ROSE VARIETY

'POULmist'

## SUMMARY OF THE INVENTION

5 The present invention constitutes a new and  
distinct variety of miniature rose plant which  
originated from a controlled crossing between an  
unnamed seedling and 'POULjol'. The two parents were  
crossed and the resulting seeds were planted in a  
controlled environment. The new variety is named  
10 'POULmist'.

The new rose may be distinguished from its seed  
parent, an unnamed seedling, by the following  
combination of characteristics:

- 15 1. The unnamed seed parent is a miniature  
rose variety with bi-color red and yellow  
flowers.

The new variety may be distinguished from its  
pollen parent, 'POULjol', a non-patented rose created  
by the same inventors, by the following combination of  
20 characteristics:

1. The pollen parent has blooms which are a  
more muted yellow than that of 'POULmist's  
blooms.
2. The flowers of 'POULmist' have  
25 significantly better longevity than

'POULjol'.

The objective of the hybridization of this rose variety for commercial culture was to create a new and distinct variety with unique qualities, such as:

1. Uniform and abundant flowers;
2. Vigorous and compact growth;
3. Year-round flowering under glasshouse conditions;
4. Suitability for production from softwood cuttings in pots;
5. Durable flowers and foliage which make a variety suitable for distribution in the floral industry.

The combination of qualities of this variety represents significant improvement over previously available commercial cultivars of this type and distinguishes 'POULmist' from all other varieties of which we are aware.

As part of their rose development program, L. Pernille Olesen and Mogens N. Olesen germinated the seeds from the aforementioned hybridization and conducted evaluations on the resulting seedlings in a controlled environment in Fredensborg, Denmark.

'POULmist' was selected by the inventors as a single plant from the progeny of the hybridization in May of 1997.

Asexual reproduction of 'POULmist' by cuttings and traditional budding was first done by L. Pernille and Mogens N. Olesen in Fredensborg, Denmark, in August of 1997. This initial and other subsequent propagations conducted in controlled environments have demonstrated that the characteristics of 'POULmist' are true to type and are transmitted from one generation to the next.

#### BRIEF DESCRIPTION OF THE DRAWING

The accompanying color illustration shows as true as is reasonably possible to obtain in color photographs of this type, the typical characteristics of the buds, flowers, leaves, stems, and a plant of 'POULmist'. Specifically illustrated in SHEET 1:

1. Flowering stem showing branching and the attachment of leaves, buds, and peduncles;
2. Flower bud, partially opened bud, and open bloom;
3. Flower petals, detached;
4. Sepals, receptacle, and pedicel;

5. Bare stem exhibiting thorns;

6. Leaves.

DETAILED DESCRIPTION OF THE VARIETY

5

The following is a description of 'POULmist', as observed in its growth in glasshouses in; Half Moon Bay, California. Color references are made using the Royal Horticultural Society (London, England) Colour Chart, 1995, except where common terms of color are used.

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For a comparison, several physical characteristics of the rose variety 'POULgelb', a miniature rose variety from the same inventors described and illustrated in U.S. Plant Patent No. 9,401 and issued on 19 December, are compared to 'POULmist' in Chart 1.

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CHART 1

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	'POULmist'	'POULgelb'
Petal Color, Uppper Surface:	Yellow Group 12B/C,	Yellow Group 13C.
Petal Color, Lower Surface:	Yellow Group 12D.	Yellow Group 13C.

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Petalage:	Very Double: 35 to 40 petals under normal conditions.	Very Double: 30 to 40 petals under normal conditions.
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Parents:

Classification:

Botanical:      Rosa hybrida.

Commercial:    Miniature.

10

#### FLOWER AND FLOWER BUD

Blooming habit:      Continuous.

Flower bud:

Size:              Upon opening, 10 mm - 13 mm  
in length from base of  
receptacle to end of bud.

Bud form:        Medium; pointed ovoid.

Bud color:        As sepals unfold, Yellow  
Group 9B, Yellow Group 9B at  
¼ opening.

Sepals:            Yellow-Green Group 144A.  
Strong foliaceous appendages  
on three of the five sepals.  
Surfaces of sepals moderately  
pubescent. Stipitate glands  
are present on edges of

20

25

sepals

Receptacle:

Surface: Smooth.

Shape: Cup-shaped.

5                      Size:            5 mm (h) x 6 mm (w).

Color:            Yellow-Green Group 144A.

Peduncle:

Surface: Smooth.

10                      Length:           50 to 60 mm average

length.

Color:            Yellow-Green Group 144A.

Strength: Upright.

Borne:                      Generally with 1 to 2 buds  
per flowering stem.

15                      **Flower bloom:**

Fragrance:                None.

Duration:                As a pot plant, flowers last  
from 14 to 17 days. As a cut  
flower 5 to 7 days.

20                      Size:                      Small for a 15 cm pot rose.  
Average flower diameter is 40  
mm when open.

Form:

Shape of flower when viewed from the side:

25                      Upon opening, upper part:            Convex.



[illegible]

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Outer Side: Yellow Group 11D.  
Inner Side: No petal spots  
observed.

5 After opening, petals:

Outermost petals:

Upper Surface: Yellow Group 11C.

Reverse Side: Yellow Group 11C.

Innermost petals:

10 Upper Surface: Yellow Group 11C.

Reverse Side: Yellow Group 11C.

After opening, basal petal spots:

None observed.

15 **General Tonality:** On open flower Yellow Group  
12 B. No change in the  
general tonality at the end  
of the 8th day. Afterwards,  
general tonality is Yellow  
20 Group 11C.

Petals:

Petal Reflex: Double.

25 Petal Edge: Inner petals uniform; guard  
petals have point in center

of margin.

Shape: Round.

Petaloids: 3 to 4.

Texture: Thick.

5 Arrangement: Imbricated.

**Reproductive Organs:**

Pollen:

10 Color: Yellow Group 2A.

Quantity: Limited.

Anthers:

Size: Small.

Color: Greyed-Yellow Group 160C.

Abundance: Average.

15 Filaments:

Color: Yellow-Green Group 145C,

with an intonation of Greyed-

Purple Group 180B immediately

below anther.

20 Stigmas: Slightly inferior in position

relative to anthers.

Color: Greyed-Green Group 193C.

Styles:

25 Color: Yellow-Green Group 145C,

with intonations of  
Greyed- Purple Group 180B  
immediately below stigma.

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**PLANT**

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**Plant growth:** Vigorous, compact. When grown as a  
15 cm pot plant, the average  
height of the plant is 22 to 27 cm  
and the average width is 20 to 25  
cm.

**Stems:**

Color:

15

Young wood: Yellow-Green Group 144A.  
Older wood: Yellow-Green Group 144A.

Prickles:

20

Incidence: Few.  
Size: Average length: 4 mm -  
6 mm.  
Color: Greyed-Yellow Group  
160C.  
Shape: Linear.

Surface:

25

Young wood: Smooth.  
Older wood: Smooth.

**Plant foliage:** Normal number of leaflets on  
leaves in middle of the stem: 5  
leaflets.

Leaf size: 30mm (l) x 16mm (w).

5 Abundance: Very abundant.

Color:

Upper Leaf Surface: Green Group 137A/B.

Lower Leaf Surface: Green Group 137B.

Juvenile foliage: Green Group 138A.

10 Anthocyanin intonation:

None observed.

**Plant leaves and leaflets:**

Stipules:

Size: 8mm - 11mm.

15 Color: Green Group 137A with  
intonations of Green Group  
143C.

Stipitate glands: Present on edges of  
stipules.

20 Petiole:

Length: 9mm - 10mm.

Color: Yellow-Green Group 144A.

Underneath: Yellow-Green Group 144A

Margins: Green Group 139A.

25 Rachis:

Color: Yellow-Green Group 144A.

Underneath: Yellow-Green Group 144A.

Margins: Green Group 139A.

Leaflet:

5

Edge: Serrated.

Shape: Ovoid.

Texture: Moderately thick, matte.

**Disease resistance:**

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Average resistance to mildew, black spot, and Botrytis under normal growing conditions in Half Moon Bay, California.

CLAIM

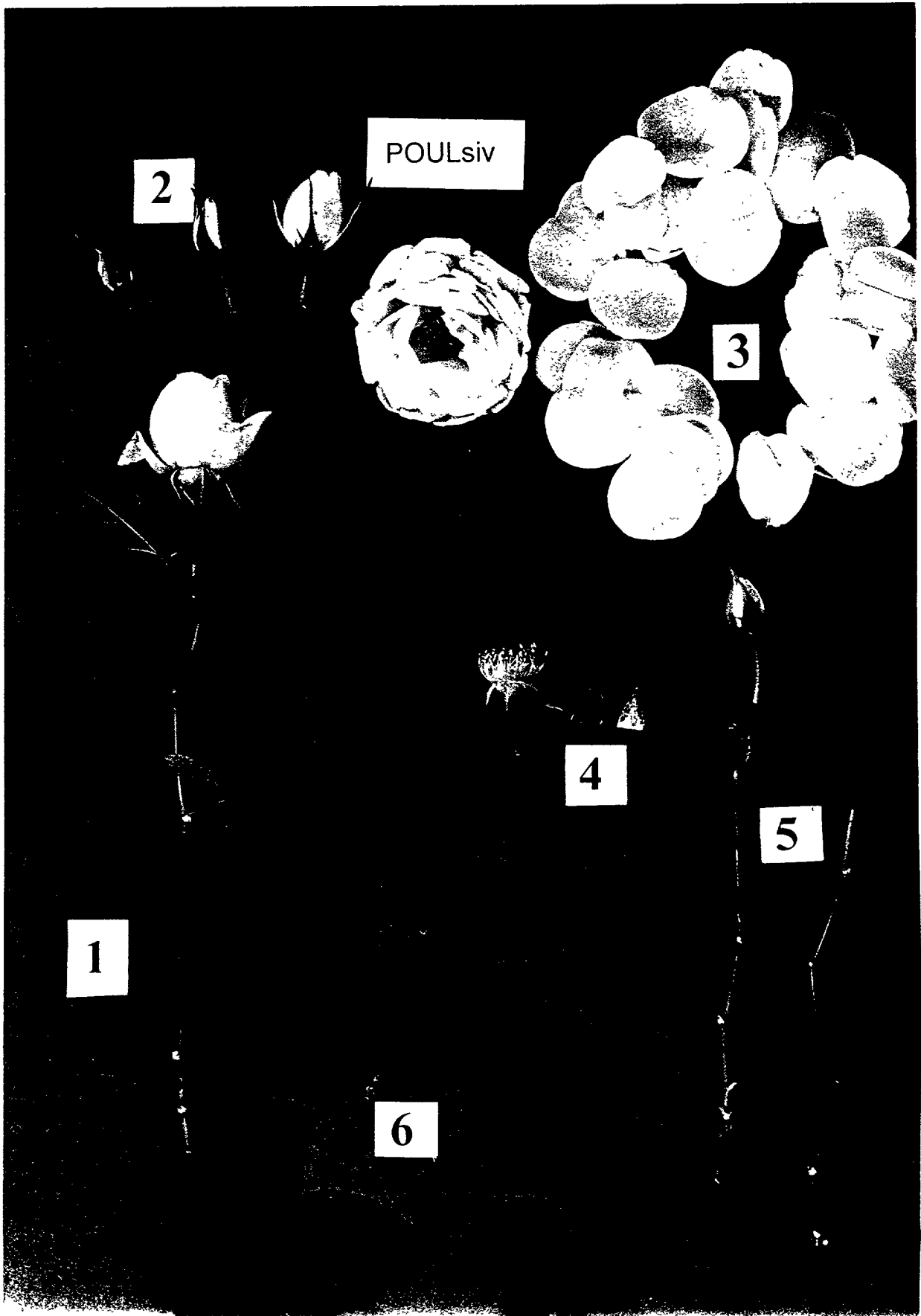
5 A new and distinct variety of rose plant of the  
miniature class, substantially as herein illustrated  
and described as a distinct and novel rose variety due  
to its abundant, yellow flowers, vigorous and compact  
growth, year round flowering under glasshouse  
conditions, suitability for production from softwood  
10 cuttings in pots, and durable flowers and foliage  
which make the variety suitable for distribution in  
the floral industry.

MINIATURE  
ROSE VARIETY  
'POULmist'

ABSTRACT OF THE DISCLOSURE

A new miniature rose plant which has abundant, yellow flowers and attractive foliage. The variety successfully propagates from softwood cuttings and is suitable for year round production in commercial glasshouses. This new and distinct variety has shown to be uniform and stable in the resulting generations from asexual propagation.





# DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the new and distinct plant variety which is claimed and for which a patent is sought on the invention entitled:

## **Rose Plant Named 'POULmist'**

the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I state that I have invented, or discovered in a cultivated area, and/or asexually reproduced the new and distinct plant variety.

I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

### PRIOR FOREIGN APPLICATION(S)

			Priority Claimed
<u>99/0081</u>	<u>European Union</u>	<u>29 January 1999</u>	<u>    X    </u>
<u>98/1509</u>	<u>Canada</u>	<u>10 June, 1998</u>	<u>    X    </u>

(Number)	(Location)	(Day/Month/Year Filed)	Yes	No
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I hereby claim that benefit under Title 35, United States Code, §120, of any United States application(s) listed below and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States Applications in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 (a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

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Plant Declaration  
Page 2

Send all correspondence to: Mogens N. Olesen, Poulsen Roser Pacific, Inc., 2550 Old Military Road, Central Point, Oregon 97502 U.S.A., Telephone (1-541-773-5009), Fax (1-541-773-5080).

I, as a below named inventor, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole or First Inventor L. Pernille Olesen

Inventor's Signature L. Pernille Olesen

Date 24 May 2000

Residence Address Hillerødvejen 49, DK-3480, Fredensborg, DENMARK

Citizenship Danish

Post Office Address Hillerødvejen 49, DK-3480, Fredensborg,  
DENMARK

Full Name of Second Joint Inventor, if any Mogens N. Olesen

Inventor's Signature Mogens N. Olesen

Date 24 May 2000

Residence Address Hillerødvejen 49, DK-3480, Fredensborg, DENMARK

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Full Name of Sole or First Inventor L. Pernille Olesen

Inventor's Signature L. Pernille Olesen

Date 24 May 2000

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Citizenship Danish

Post Office Address Hillerødvejen 49, DK-3480, Fredensborg, DENMARK

Full Name of Second Joint Inventor, if any Mogens N. Olesen

Inventor's Signature Mogens N. Olesen

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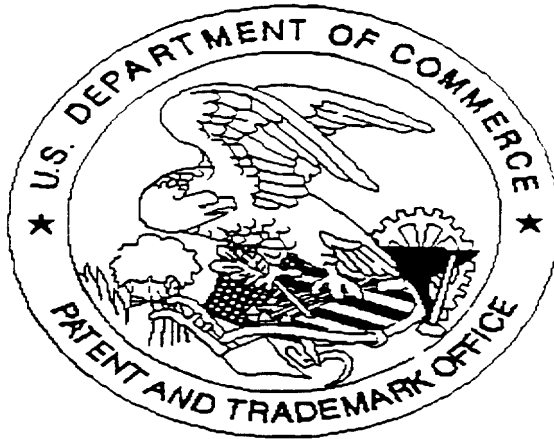
			Priority Claimed
<u>99/0081</u>	<u>European Union</u>	<u>29 January 1999</u>	<u>    X    </u>
<u>98/1509</u>	<u>Canada</u>	<u>10 June, 1998</u>	<u>    X    </u>

(Number)	(Location)	(Day/Month/Year Filed)	Yes	No
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Serial 11

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